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September 29, 2010

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VIA ELECTRONIC CASE FILING

The Honorable Robert M. Levy
United States Magistrate Judge
United States District Court – EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Garcia et al. v. K.G.B. Contracting Corp. et al.
Case No: 09-CV-0393 (NGG)(RML)

Your Honor:

This firm is counsel for Defendants in the above-referenced action. We submit the following in connection with our recent retention as counsel of record for Defendants.

Preliminarily, we have filed a Notice of Appearance via Electronic Case Filing earlier this afternoon [Docket No.: 13]. Inasmuch as we have just been retained by Defendants, we respectfully request an immediate “stay” of all proceedings to obtain the file and requisite Consent to Change Attorney forms. The original discovery cut-off date has passed. However, after just being retained and reviewing the matter, we believe significant discovery remains outstanding. Based upon the foregoing, Defendants respectfully request an extension of one hundred and twenty (120) days in which to complete Discovery, for all purposes, in this matter. In furtherance of this application, Defendants respectfully request the October 12, 2010 settlement conference be converted to a status conference in order to address all issues raised herein.

We conferred with Plaintiffs’ counsel, Lloyd Ambinder, in advance of this submission. Mr. Ambinder lends his consent to a ninety (90) day extension of discovery for the limited purpose of supplementing Defendants’ previously served discovery responses.



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Counsel remains available should Your Honor require additional information regarding this submission.

Respectfully submitted,

ZABELL & ASSOCIATES, PC

Saul D. Zabell

cc: Lloyd Ambinder, Esq. (*via* Electronic Case Filing)
Giuseppe Franzella, Esq. (*via* Electronic Case Filing)